

Application No. 09/772,767  
Response to Office Action dated 3/24/05  
Atty. Docket No. 201512-0009

### Remarks

As amended, Claims 10-26 are pending in the Pending Application. Claims 1-9 have been cancelled and Claims 10-26 have been added. Claims 10-26 are supported by the Pending Application, including the drawings and claims, as filed. No new matter has been added. Claims 1-9 stand rejected.

#### **A. Rejection of Claims 1-5 and 9**

The Examiner has rejected Claims 1-5 and 9 under 35 U.S.C. §102(e) as being anticipated by U.S. published application no. 2002/0046178 ("Morito"). Claims 1-5, and 9 have been canceled. It is therefore respectfully requested that the rejection be withdrawn.

#### **B. Rejection of Claim 6**

The Examiner has rejected Claim 6 under 35 U.S.C. §103(a) as being unpatentable over Morito in view of U.S. patent no. 6,571,220 ("Ogino"). Claim 6 has been cancelled. It is therefore respectfully requested that the rejection be withdrawn.

#### **C. Rejection of Claim 7**

The Examiner has rejected Claim 7 under 35 U.S.C. §103(a) as being unpatentable over Morito in view of U.S. published patent application no. 2003/0206632 ("Itoh"). Claim 7 has been cancelled. It is therefore respectfully requested that this rejection be withdrawn.

#### **D. Rejection of Claim 8**

The Examiner has rejected Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Morito in view of U.S. patent no. 6,571,055 ("Sawabe"). Claim 8 has been cancelled. It is therefore respectfully requested that this rejection be withdrawn.

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#### E. New Claims 10-26

New Claims 10-26 are not anticipated or made obvious by the references cited by the Examiner (the "cited references"), because the cited references do not, alone or in combination, teach all the limitations recited in Claims 10-26. More specifically, the cited references do not teach a control section in communication with a plurality of recording apparatuses, which is configured to extract a copy control code from a digital broadcast, and cause one or more of the recording apparatuses to record the content of the broadcast in response to the copy control code.

A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently in a single prior art reference." MPEP §2131; Verdegall Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). Similarly, a claim is made obvious only if every limitation of the claim is taught by the cited references. MPEP § 2142 citing In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Morito teaches a system that prevents unauthorized copying of digital data. [*Morito*, para. 1]. The system includes a transmission apparatus 20 that embeds time information into a compressed data stream (using time information signal embedding module 23) and transmits the data and embedded time information via a digital satellite broadcasting system [*Morito*, para. 41]. After the data and embedded time information has been received and decoded it is fed to the in-line terminal of a recording apparatus so that it may be recorded. [*Morito*, Figure 6 and para. 46]. The recording apparatus 30 includes a time information signal detection module 33 that detects the time information embedded in the received signal, and a time information comparison module 34, which determines the difference between the embedded time and the time of recording. If the difference is less than or equal to a predetermined value, it is assumed that the attempted recording is contemporaneous with the broadcast and the recording is permitted. [*Morito*, para. 47]. If, however, the difference is greater than a predetermined value, it is assumed that an unauthorized copying is being attempted and recording is prohibited. [*Morito*, para. 48].

The time comparison may be used with or without a copy control signal. [*Morito*, para. 54]. When used with a copy control signal, the time stamp permits the recording apparatus 50 [*Morito*, Figure 9] to record a broadcast if the copy control signal is a "copy-free" signal, or if the copy control signal is a "copy-once" signal and the difference between the embedded time

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and the time of the attempted recording is less than or equal to a predetermined value. [*Morito*, Figure 10, para. 57-59].

*Morito* does not teach a control section that controls which of a plurality of recording apparatuses record the content of a broadcast based on a copy control signal in the broadcast. Further, this element is not taught by any of the other cited references.

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### Conclusions

In view of the amendments and remarks set forth in this Amendment and Response to Office Action, it is respectfully submitted that the Pending Application, including new Claims 10-26, is in condition for allowance. Therefore, it is respectfully requested that the foregoing amendments be entered, and the Pending Application be allowed.

The Examiner is invited to contact the undersigned if such contact would in any way facilitate and expedite the prosecution of this application.

Respectfully submitted,

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